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## **INTEGRATION OF TRADITION AND SHARIA:**

### **Dowry and *Dui Menre* in the Marriage of the Bugis Community in Bone Regency**

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#### **ABSTRACT**

A Mahr (Dowry) and *dui menre* become interesting phenomenon that occurs in the marriage practice of the Bugis community in Bone Regency. The higher the social status of the prospective wife's family, the higher the *dui menre*. When an agreement has been reached on the amount of *dui menre*, then the husband will give a dowry in the marriage contract. Both of these things must be fulfilled as the requirement for marriage. When the husband does not fulfill the *dui menre* as previously agreed on the agreement, the marriage process might not occur. The study aimed to integrate tradition and sharia in the marriage of the Bugis community in Bone Regency. The research was empirical legal research with a socio-legal approach. The study indicated that the dowry and *dui menre* in Bugis traditional marriages are an inseparable. Here, the integration is *dui menre* as a pre-marital condition that must be fulfilled in the context of giving as a form of respect and assistance to the prospective wife's family. There is no prohibition in Islam as long as there is an agreement between the two parties, and no violate the sharia principles. Meanwhile, the dowry is also obligatory and carried out in the marriages of the people of the Bone regency. Therefore, the dowry and *dui menre* in the marriage of the Bone community are following the tradition and sharia.

**Keywords:** Dowry; *Dui Menre*; Bugis tradition; and Islamic Law;

#### **ABSTRAK**

Mahar dan *dui menre* menjadi suatu fenomena yang menarik yang terjadi dalam perkawinan masyarakat Bugis di Kabupaten Bone khususnya. Semakin tinggi status sosial keluarga calon istri maka semakin tinggi juga *dui menrenya*. Ketika telah terjadi kesepakatan terkait jumlah *dui menre*, maka dalam akad nikah calon suami akan memberikan mahar. Kedua hal tersebut harus diwujudkan agar perkawinan dapat dilangsungkan. Ketika *dui menre* sebagai hal yang harus terlebih dulu diberikan tidak terwujud kesepakatan maka proses perkawinan tidak dapat diteruskan. Tujuan penelitian ini yaitu untuk mengintegrasikan antara tradisi dan syariah dalam perkawinan masyarakat Bugis di Kabupaten Bone. Penelitian ini merupakan penelitian hukum empiris dengan pendekatan sosio-legal. Hasil penelitian ini menunjukkan bahwa mahar dan *dui menre* dalam perkawinan adat Bugis adalah suatu kesatuan yang tidak dapat

dipisahkan. Sehingga integrasi yang dapat dilakukan yaitu *dui menre* sebagai syarat pernikahan wajib dipenuhi dalam rangka pemberian sebagai bentuk penghormatan dan bantuan kepada keluarga calon istri. Hal ini tidak ada larangan dalam Islam sepanjang ada kesepakatan antara kedua belah pihak dan tidak ada melanggar prinsip-prinsip syariah. Sementara mahar juga hukumnya wajib dan senantiasa tetap dilaksanakan dalam pernikahan masyarakat kabupaten Bone. Oleh karena itu, mahar dan *dui menre* dalam perkawinan masyarakat Bone sejalan antara tradisi dan syariah.

**Kata Kunci:** Mahar; *Dui Menre*; Adat Bugis; dan Hukum Islam;

## Introduction

Dowry is a mandatory gift as a sign of a man's sincerity to marry a woman. The dowry will become the full property of the wife. A person is free in determining the form and amount of the dowry because there is no limit in Islamic law on the dowry, but the dowry is sunnah to follow the ability of the prospective husband.<sup>1</sup>

In Bone regency, an interesting phenomenon is related to dowry and *dui menre* in traditional Bugis marriages as inseparable because these two things have the same position in terms of obligations that must be fulfilled. Although, in this case, the *dui menre* has more attention and is considered a requirement that determines the marriage process so that the amount of the *dui menre* is higher than the dowry.<sup>2</sup>

The higher the social status of the women, the higher the *dui menre* gifted by the men. This phenomenon becomes a problem in society as usually, the marriage does not occur due to both parties does not reach an agreement on the *dui menre*.<sup>3</sup> The worse, the couple often eloped, which in Bugis society is called *silariang*.<sup>4</sup>

Surely, the high amount of *dui menre* brings some benefits because it motivates young people to work hard in preparing for marriage. Also, there is an assumption that a high amount of *dui menre* can reduce the divorce rate in the household because, of course, a husband will think several times to make second-marrying (another marriage) considering the very high amount of *dui menre*. However, the negative aspect of the *dui*

<sup>1</sup> Moh. Ikbal, "Uang Panaik Dalam Perkawinan Adat Suku Bugis Makassar," *Al-Hukama'* 6, no. 1 (2016): 191–214, <http://jurnalfsh.uinsby.ac.id/index.php/alhukuma/article/view/314>.

<sup>2</sup> Ikbal.

<sup>3</sup> Nurul Hikmah and Sangkala Ibsik, "Problematika Uang Belanja Pada Masyarakat Di Desa Balangpesoang Kecamatan Bulukumba," *Tomalebbi* 2, no. 3 (2015): 61–69, <https://ojs.unm.ac.id/tomalebbi/article/view/1853>.

<sup>4</sup> Ahmad Ridha Jafar, "Uang Panai' Dalam Sistem Perkawinan Adat Bugis Makassar Perspektif Hukum Islam" (Universitas Islam Indonesia, 2016), <https://dspace.uui.ac.id/handle/123456789/6784#:~:text=Islam tidak mengatur mengenai ketentuan,dalil yang menerangkan hal tersebut>.

*menre* tradition might also cancel the marriage (lead to failed marriage) when the men can not provide the requested amount of *dui menre*. The story of a failed marriage is often heard and viral on social media.<sup>5</sup>

Research on *dui menre* conducted by Sudirman,<sup>6</sup> Iman Nur Hidayat,<sup>7</sup> Hajra Yansa, et al.,<sup>8</sup> Syarifuddin,<sup>9</sup> and Mahmud Huda<sup>10</sup> examines the legal and sharia aspects. In addition, other studies examine the communication aspect, such as Aisyah.<sup>11</sup> However, none of these studies have examined the integration between culture and sharia on the *dui menre* phenomenon. The study aimed to integrate culture and sharia on *dui menre* in Bugis marriages in Bone Regency.

## Method

The research was empirical legal research.<sup>12</sup> The approach used Islamic law and the socio-legal.<sup>13</sup> The Bone Regency was selected as the research location because the acculturation of Bugis culture is still very strong, especially in the tradition of giving dowry and *dui menre* in the marriage tradition. The data was obtained through interviews and direct observations with the community, traditional leaders, and religious leaders as well as Bugis scientists.

<sup>5</sup> Samsul Bahri, "Ternyata Risna Korban Tingginya Uang Panai," *Tribunnews Makassar*, accessed April 9, 2019, <https://makassar.tribunnews.com/2014/10/28/ternyata-gadis-bulukumba-ini-korban-uang-panai>.

<sup>6</sup> Sudirman et al., "Maslahah Review of the Dowry (Marriage Cost) Bugis-Makassar Community," *Al-Syir'ah* 17, no. 2 (2019): 164–79, <https://doi.org/10.30984/jis.v17i2.874>.

<sup>7</sup> Iman Nur Hidayat, "Uang Panaik Sebagai Syarat Nikah Pada Adat Bugis Dalam Fiqih Islam," *Ijtihad: Jurnal Hukum Dan Ekonomi Islam* 13, no. 1 (2019): 15–28, <https://doi.org/10.21111/ijtihad.v13i1.3229>.

<sup>8</sup> Hajra Yansa et al., "Uang Panai' Dan Status Sosial Perempuan Dalam Persepektif Budaya Siri' Pada Perkawinan Suku Bugis Makassar Sulawesi Selatan," *Jurnal Pena* 3, no. 2 (2016): 524–35.

<sup>9</sup> Syarifuddin and Ratna Ayu Damayant, "Story of Bride Price: Sebuah Kritik Atas Fenomena Uang Panaik Suku Makassar," *Jamal* 6, no. 1 (2015): 79–98, <https://doi.org/10.18202/jamal.2015.04.6007>.

<sup>10</sup> Mahmud Huda dan Nova Evanti, "Uang Panaik Dalam Perkawinan Adat Bugis Perspektif Urf (Studi Kasus Di Kelurahan Batu Besar Kecamatan Nongsa Kota Batam)," *Jurnal Hukum Keluarga Islam* Vol. 3, no. No. 2 (2018).

<sup>11</sup> B M St. Aisyah, "Strategy of Communication and Da'wah in Reducing Uang Panai' of Marriage in Bulukumba," *Jurnal Komunikasi: Malaysian Journal of Communication* 35, no. 3 (2019): 92–107, <https://doi.org/10.17576/JKMJC-2019-3503-06>.

<sup>12</sup> Surya Sukti et al., "The Manyanggar Tradition and Harmony of The Bakumpai Dayak Community in Central Kalimantan," *El-Mashlahah* 12, no. 1 (2022): 1–13, <https://doi.org/10.23971/elma.v12i1.3663>.

<sup>13</sup> A Helim and S Ahmad, "Bapalas as Alternative Dispute Resolution of Fighting on Muslim Dayak Community in Muara Teweh, Central Kalimantan," *Samarah* 6, no. 1 (2022): 331–45, <https://doi.org/10.22373/sjkh.v6i1.12379>.

## Finding and Discussion

### Dowry (Mahr)

Mahr etymologically means dowry. Meanwhile, in terms of terminology, dowry is a mandatory gift from a prospective husband to a prospective wife as the sincerity form of a prospective husband to create a sense of love for a wife to her prospective husband or a required gift for a prospective husband to his prospective wife, both the goods and services.<sup>14</sup>

Scholars have differed on the issue of dowry. Some of them argue that the dowry is given under the agreement between the bride and groom. This opinion was expressed by Sufyan Ats-Tsauri, Shafi'i, Ahmad, and Isaac. Meanwhile, Imam Malik argues that the dowry should not be less than a quarter of a dinar. While Aisyah explained "that the dowry given by the Prophet to his wives was twelve and a half uqiyah."<sup>15</sup>

Law in Indonesia, especially in the KHI (Compilation of Islamic Law) in the dowry Chapter, Article 30, that "the groom is obliged to pay a dowry to the prospective bride whose amount, form and type are agreed upon by both parties." Article 31, "The dowry is based on the simplicity and convenience recommended by Islamic teachings." Article 34 contains two paragraphs: (1) The obligation to give a dowry is not a pillar of marriage; (2) the failure to mention the type and amount of the dowry in the marriage contract does not cause the marriage to be annulled. Likewise, if the dowry is still owed, it does not reduce the validity of the marriage. Also, article 37 states that "if there is a different opinion of the type and amount of the dowry, the settlement is submitted to the Religious Court."<sup>16</sup>

### Dui Menre

*Dui menre* or commonly referred to as spending money is a fee or money given by the man's family to the woman's family in the context of the implementation of the wedding party.<sup>17</sup> Giving *dui menre* is one of the first steps taken by men when they are

<sup>14</sup> Abd. Rahman Ghazaly, *Fiqh Munakahat* (Jakarta: Prenada Media Group, 2003).

<sup>15</sup> Abi Hasan Muslim Ibn Al-Hajjaj Al-Qusyairy An-Naisabury, *Sahih Muslim* (Ibnu Jauzi Qahirah, n.d.).

<sup>16</sup> *Kompilasi Hukum Islam* (Bandung: Citra Umbara, 2016).

<sup>17</sup> Asmat Riady Lamallongeng, *Dinamika Perkawinan Adat Dalam Masyarakat Bugis Bone* (Bone: Dinas Kebudayaan dan Pariwisata, 2017).

going to carry out a marriage that is determined after the proposing process.<sup>18</sup> *Dui menre* is a binding condition for the marriage to occur or not. The prospective bride and her parents must pay for all matters related to the wedding party.<sup>19</sup>

### **The History of *Dui Menre***

The symbolic of *dui menre* or *panaik* is symbolic for the people of South Sulawesi, especially for the Bugis tribe.<sup>20</sup> The history of *dui menre* is during the kingdom of Bone and Gowa Tallo, Gowa Regency is the core area of the Gowa kingdom which is known in history, in the XVII century, the Gowa kingdom reached its peak of glory under the reign of Sultan Muhammad Said Tumenangari Ball' Pangkana. At that time, the kingdom of Gowa held hegemony and supremacy in the South Sulawesi area, even in the eastern part of Indonesia in general.

When a man wants to propose to a woman with a background from the kingdom or a descendant of the king, he must bring a gift that shows their ability to provide welfare and comfort for his wife and children in the future. The man has raised the status and the contents of the gift were the *dui menre* which became a mandatory and absolute requirement. Then, *dui menre* were developed for the lower status in case of a man want to marry a girl from the Bugis ethnic community. Their assumption of high *dui menre* aims to assess the seriousness of men who want to marry their daughters.<sup>21</sup>

*Dui menre* in the Bugis tradition is money given by the prospective groom to the prospective bride as an appreciation and reality of respect for social norms and strata. For local men or those who also come from the Bugis Tribe, fulfilling the amount of *dui menre* is seen as *siri'*, so the woman of love is a motivation to fulfill the *dui menre* as a symbol of sincerity to propose to the girl.

The complexity of marriage culture in South Sulawesi society is the values that are always considered in marriage, such as social status, economy, and cultural values of each male and female family. In South Sulawesi, a unique phenomenon in weddings is *dui menre*, or by the local community called *dui panai*.

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<sup>18</sup> Nashirul Haq Marling, "Uang Panai' Dalam Tinjauan Syariah," *Ulumul Syar'i* 6, no. 2 (2017), <https://e-journal.stishid.ac.id/index.php/uls/issue/view/11>.

<sup>19</sup> Syarifuddin Latif, *Fikih Perkawinan Bugis Tellumpoccoe* (Jakarta: Gaung Persada Press, 2016).

<sup>20</sup> Latif.

<sup>21</sup> Andi Aminah Riski, Ridwan Melay, and Bunari, "Uang Belanja (Uang Panaik) Dalam Perkawinan Suku Bugis Pada Masyarakat Reteh Kabupaten Indragiri Hilir," *JOM* 4, no. 1 (2017): 1–9, <https://www.neliti.com/publications/207424/uang-belanja-uang-panaik-dalam-perkawinan-suku-bugis-pada-masyarakat-reteh-kabup#cite>.

*Dui menre* to marry Bugis girls are known as a well-high amount depending on the social and educational level of the girl. The decision-making of the amount *dui menre* is sometimes influenced by the decisions of the female family (father's brother or mother's brother). There is also *dui menre* which the man cannot accomplish to the woman. This makes the couple who have loved each other take actions outside the Bugis tradition, namely elopement (*silariang*).

Tens of millions and even hundreds of millions are commonplace. Moreover, if the prospective bride is a descendant of nobility who has customary titles such as Karaeng, Andi, Opu, Puang, and Petta or the education level of the prospective bride is S1, S2, civil servant, already Hajj, and others. The conditions make the high of *dui menre*. The higher the nominal *dui menre*, the higher the self-image of the bride's family in the eyes of the community.

The characteristic of marriage in the Bugis tribe is the various amount of *dui menre*. Noted that *dui menre* is not included in the dowry, given by the prospective groom to the prospective bride. But, *dui menre* and dowry are two things the requirement that must be fulfilled to marry Bugis women.

If viewed based on reality, the meaning of *dui menre* has shifted from its real meaning. *Dui menre* has become an arena for prestige or showing off wealth. Not infrequently, the prospective groom even has to go into debt to fulfill the request for the *dui menre*.<sup>22</sup>

### **Stages of *Dui Menre* Practice**

First, the male family sends envoys to the female family to discuss the nominal amount of the *dui menre*. Commonly, the *tomatoa* (elderly person) plays as the envoy. Second, after the envoy from the male family arrived at the destination house, then the female family sent an elder to meet the male family. After the gathering, the woman's family mentions the amount of *dui menre*. If the prospective husband's family agrees, then the process is complete. But, when it feels too expensive, then there is a bargain on the amount between the two parties until reaching an agreement.

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<sup>22</sup> Rheny Eka Lestari, "Mitosis Dalam Upacara Uang Panaik Masyarakat Bugis Makassar" (Universitas Jember, 2016).

After reaching the agreement, they discuss the date of the male family to give the *duit menre*. Fourth, the male family comes to the female family's house at the agreed time to give the *duit menre*.

Fifth, after the *duit menre*, is handed over, then discuss the dowry. The dowry is not as complicated as the *duit menre* process. The dowry generally depends on the ability of the prospective husband, which will mention at the time directly. In Bugis marriages in the current era, the dowry is generally not in the form of money but changes to goods, such as land, houses, and jewelry.<sup>23</sup>

### **The differences between Dowry (*Mahr*) and *Duit Menre***

In the traditional Bugis marriage, dowry and *duit menre* are inseparable because these two things have the same position in terms of obligations that must be fulfilled. Although, in this case, the *duit menre* has more attention and is considered a requirement that determines the marriage process so that the amount of the *duit menre* is higher than the dowry.

The amount of *duit menre* may reach hundreds of millions of rupiah as it is influenced by several factors as mentioned in the previous section. On the other hand, the dowry does not become a problem, so the nominal amount depends on the husband, which is usually in the form of goods, such as land, a house, or a set of jewelry. This can be seen when the marriage contract procession only mentions a small amount of dowry.<sup>24</sup>

In simple terms, these two terms do have the same meaning, namely the obligations. However, viewed from the background history, the meaning of the two terms is different. Dowry is an obligation in the Islamic tradition, while *duit menre* is an obligation according to the customs of the local community.<sup>25</sup>

### **The Philosophical Meaning Behind the *Duit Menre***

Traditional and religious leaders said that the philosophical meaning of the dowry and *duit menre* was a representation of the cultural principles (*Sipakatau*, *Sipakalebbe*, *Sipakinge*) that were firmly held by the Bugis people. The meaning of the three

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<sup>23</sup> Lestari.

<sup>24</sup> Moh Iqbal, "Tinjauan Hukum Islam Tentang Uang Panaik Dalam Perkawinan Adat Suku Bugis Makassar Kelurahan Untia Kecamatan Biringkanaya Kota Makassar" (UIN Sunan Ampel Surabaya, 2012).

<sup>25</sup> Ardianto Iqbal, *Uang Panaik Sebuah Kajian Antara Tradisi Dan Gengsi* (Bandung: Mujahidi Grafis, 2016).

expressions is, first, *Sipakatau* is an expression of humanizing humans, namely, everyone must understand their position, and must know themselves which will create a harmonious life. There are no demeaning, sneering, or other things that hurt, and so on.

*Sipakalebbi* is a human trait that always wants to be appreciated. So, this trait is a form of appreciation where the trait can see the good side of others and speak good words. While *sipakainge* is reminding each other related to solidarity and advising each other not to let someone get caught up in negative things.<sup>26</sup>

### **The Practice of *Dui Menre* in Bugis Marriages in Bone Regency**

Categorically, the process of human life may be grouped into three processes, birth, marriage, and death. The three processes of life are always interesting to discuss from various aspects. Among the three processes, the case of marriage always demands special attention, especially in discussing, reviewing, and analyzing, because marriage is a monument of life that must be carried out based on culture, religion, and applicable laws and regulations. In addition, it has a very important aspect in building human life in society.<sup>27</sup>

Marriage, according to customary law, is related to family, community, dignity, and personal matters. Unlike the case with marriage in modern Western society which is only the business of those who are married.<sup>28</sup> The traditional marriage in the Bugis tribe called *appabotingeng* is a very sacred ritual where this ritual must be carried out by everyone (community). However, before the *appabotingeng* procession, the prospective groom must go through several stages, such as *assuro*. *Assuro* is the process of proposing from the family of the prospective groom to the prospective bride, as well as determining the agreement of the *dui menre* which is an obligation that must be fulfilled. No *dui menre* means no marriage.<sup>29</sup> This habit has been in effect in the Bugis community for a long time and has been passed down from generation to generation until today.

Dowry and *dui menre* are gifts from a man to the woman, in the form of money or goods, played as one of the conditions for marriage. The amount of *dui menre* is a final

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<sup>26</sup>Andi Najmuddin (Tokoh Adat), *Wawancara*, (27 Mei 2019).

<sup>27</sup> Latif, *Fikih Perkawinan Bugis Tellumpocoe*.

<sup>28</sup> Latif.

<sup>29</sup> Mahmud Huda dan Nova Evanti, "Uang Panaik Dalam Perkawinan Adat Bugis Perspektif Urf (Studi Kasus Di Kelurahan Batu Besar Kecamatan Nongsa Kota Batam)."



agreement between both families. According to customary provisions, the amount varies according to the level of social status or a person's social status symbol.<sup>30</sup> Tens of millions, and even hundreds of millions become a normal nominal, especially if the prospective bride is a bachelor's degree, or master's degree, civil servant, is already on Hajj, and others. Then, the *duit menre* will be tens or even hundreds of millions. The higher the nominal *duit menre*, the higher the self-image of the bride's family in the eyes of the community.

Behind the customary rules of the amount of dowry and *duit menre* given based on the social strata of the bride, it has certain purposes or values as mentioned in the previous section, especially in Bugis society, namely; the existence of *siri'*, *sipakalebbi* and *sipakingeng* culture. Although *siri'* has a broad meaning, if associated with the *duit menre*, namely a man who is knowledgeable who certainly has faith and piety, it is not appropriate to give *duit menre* in an inappropriate or even very minimal amount because it will tarnish the *siri'* of both parties.<sup>31</sup>

Islam as a religion of rahmatan lil alamin does not like the determination of the dowry which become burdensome for the men who will get married. Likewise, *duit menre* is recommended to be not burdensome for those who have a holy intention to get married. Marriage as a sunnah of the Prophet should be carried out with simplicity and not excessive so that there is no extravagance in it. In Islamic law, the principle of prioritizing convenience in all matters is known. Especially in matters of marriage, this principle is highly emphasized.<sup>32</sup>

The dowry and *duit menre* are inseparable because these two things have the same position in terms of obligations that must be fulfilled. Although, in this case, the *duit menre* has more attention and is considered a requirement that determines the marriage process so that the amount of the *duit menre* is higher than the dowry. It is usually for some people to require *duit menre* based on the social status.<sup>33</sup>

In Islam, the number of *duit menre* ideally should not be determined or consider several factors to determine the high or low amount of *duit menre*. The important thing

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<sup>30</sup> Lamallongeng, *Dinamika Perkawinan Adat Dalam Masyarakat Bugis Bone*.

<sup>31</sup> Muhammad Amir (Ketua MUI Kabupaten Bone), *Interview*, (27 May 2019).

<sup>32</sup> Muslihin Sultan (Tokoh Adat Kabupaten Bone), *Interview*, (27 May 2019).

<sup>33</sup> Muhammad Amir (Ketua MUI Kabupaten Bone), *Interview*, (27 May 2019).

is, the *dui menre* are given by the men and depend on the ability of men. The *dui menre* is not a standard, but a collective agreement, commonly referred to as spending money is a custom, not a religious teaching. In religion, it is called a dowry that never annuls a marriage because the dowry does not say one hundred million and so on, but anything can be used as a dowry as long as it is valuable.<sup>34</sup>

Giving *dui menre* in Bugis traditional marriages is the giving of a sum of money to finance the wedding party. This practice follows the Islam teaching, called *walimah*. *Walimah* is a form of gratitude after the marriage contract is held with a banquet for guests, relatives, and families. However, in Islam, doing something, like *walimah* is also forbidden exaggerate.<sup>35</sup> Rasulullah SAW said to 'Abdurrahman bin 'Auf when he reported that he was married (in Arabic, *awlim walau bisyatim*) "Make *walimah* even if only by cooking a goat."<sup>36</sup>

### **Integration of Tradition and Sharia: Dowry and *Dui Menre* in the Marriage of the Bugis Community in Bone Regency**

Islam teaches people who marry to make *walimah*, but there is no minimum or maximum form in the *walimah*. This certainly gives a signal to all that *walimah* is held according to the ability of the people who marry, with a note that there is no extravagance and attitude of arrogance and pride. As Rasulullah Saw (the Messenger of Allah) said:

أَوْْلَمَ النَّبِيُّ صَلَّى عَلَى بَعْضِ نِسَائِهِ بِمُدَّيْنِ مِنْ شَعِيرٍ. البخارى

Meaning: "Rasulullah Saw held *walimah* for some of his wives with two muds of wheat." (Narrated by Bukhari).<sup>37</sup>

The hadith shows that *Walimah* can be held with any food, according to ability. This is a practice by the Prophet SAW that the differences in *walimah* do not distinguish or exaggerate one from the other. But it is solely adapted to the conditions when it is difficult or rich. Today, *walimah* is interpreted as a wedding party. This is related to the amount of *dui menre* to finance the wedding party.

<sup>34</sup>Muhammad Amir ( Ketua MUI Kabupaten Bone), *Interview*, (27 May 2019).

<sup>35</sup>Muslih Sultan (Tokoh Adat Kabupaten Bone), *Interview*, (27 May 2019).

<sup>36</sup> Muhammad bin Ismail Al-Bukhari, *Shahih Bukhari* (Beirut: Dar Al-Kutub Al-Ilmiyyah, 2004).

<sup>37</sup> Al-Bukhari.

As long as the *duit menre* does not become an obstacle or complicate the marriage, so it is not against Islamic law. The reason is the giving of *duit menre* is a form of *wata'awanu al al-birri* (and please help you in doing good). The gift is very helpful for the family of the woman in terms of making a wedding party. However, the *duit menre* practice also sometimes contradicts Islamic teachings when it requires in high amount, so that becomes a burden for men who are poor or in poverty condition. It aims to avoid the *Kolaka*. *Kolaka* referred to a woman who must be willing to let go of her love for another woman as this man once proposed to her. But, because the *duit menre* was too high, the men felt objected and, in the end, their marriage proposal was canceled.<sup>38</sup>

Customs and habits always change and vary according to changing times and circumstances. The reality that exists in society runs continuously following the benefit of humans as the changing social phenomena. Therefore, the human benefit is the basis of every kind of law. So, it is natural when there is a change in law due to changes in times and circumstances, as well as the influence of the symptoms in society.

Before the Prophet Muhammad was sent, customs and traditions have been widely applied to people in various parts of the world. It is built by values that are considered good by the community, which are then created, understood, agreed upon, and carried out based on awareness. However, some values sometimes do not follow Islamic teachings, but others follow Islamic teachings. Customs may use as a source of Islamic law when it meets the requirements. Following the fiqh rules:

إِنَّمَا تَعْتَبَرُ الْعَادَةُ إِذَا طُرِدَتْ فَإِنْ اطْرَبَتْ فَلَا

Meaning: "Customs are considered legal standards when they are generally accepted, if they deviate, then they cannot be used as one of the legal standards."<sup>39</sup>

Then *al-'adat muḥakkamah*,<sup>40</sup> custom, and tradition can be accepted and become law when it becomes an agreement. Islamic law recognizes custom as a source of law because it is aware of the fact that custom has played an important role in regulating social relations among community members. Custom is an order that is agreed upon by

<sup>38</sup> "Tragis! Gara-Gara Minta Mahar Terlalu Besar, Wanita Ini Justru Berakhir Jadi Tamu Undangan," Grid.id, 2019, <https://www.grid.id/read/041645066/tragis-gara-gara-minta-mahar-terlalu-besar-wanita-ini-justru-berakhir-jadi-tamu-undangan?page=all>.

<sup>39</sup> Agung Setiawan, "Budaya Lokal Dalam Perspektif Agama: Legitimasi Hukum Adat ('Urf) Dalam Islam," *Esensia* 13, no. 2 (2012): 203–222, <https://doi.org/10.14421/esensia.v13i2.738>.

<sup>40</sup> Jamal Ma'mur Asmani, *Mengembangkan Fikih Sosial KH. MA. Sahal Mahfudh (Elaborasi Lima Ciri Utama)* (Jakarta: Media Konputindo, 2015).

the community and is not written. But, it is still obeyed by the community because it is felt following their legal awareness.

The term and condition of *duit menre* is indeed explained in local customs. However, the paradigm of some people has shifted. Several community groups state to the male family about the amount of *duit menre* not to be forced, but dependent on ability. In ancient times, it is certain things. If the male's family could not able to fulfill it, then a conversation about the marriage is stopped. As the public's insight has become more open, the amount of *duit menre* is very varied. It should not be forced and depends on ability.

There are five agreed sharia laws, namely, *wajib* (obligatory), *haram* (prohibited), *makruh*, permissible, and *sunnah*. *Wajib* means a recommendation to do something definite. The rule, do it and get a reward. In contrast, when it does not do it, will get a sin. *Sunnah* means a recommendation to do something uncertain. The rule, do it and get a reward. But, if do not do it, it is not a sin. *Mubah* means, might be done and might be abandoned. If it is abandoned, there is no reward or punishment. *Makruh* is an uncertain term to leave certain actions - do it, it is okay, but if leave it will get a reward. And, *haram* is a definite term for leaving something. If it is done by a mukallaf, it will get a sin, but if left will get a reward.

Based on the previous description, the condition of *duit menre* in Bone Regency cannot be abandoned and has become a tradition for generations in the community. The *duit menre* in the community is not regulated in writing. *Duit menre* is a general tradition, in the sense that it applies to every one of the Bugis tribe, especially in Bone Regency. Although the *duit menre* tradition is not explicitly regulated in Islamic law, the *duit menre* is a tradition that must be carried out in the community. And, as long as this does not conflict with faith and sharia, it is allowed.

he article assumes that the law of *duit menre* is *mubah* (permissible) when it is used as a tool to help each other to relieve the woman's family to carry to the wedding party. Because there are rules in Islamic law, the law rotates according to conditions. *Duit menre* is a general tradition, in the sense that it applies to every one of the Bugis tribe, especially in Bone regency.

The dowry and *duit menre* in Bugis customary marriages are inseparable so the integration is, *duit menre* as a pre-marital condition that must be fulfilled in the context

of a gift as a form of respect and assistance to the prospective wife's family. There is no prohibition in Islam as long as there is an agreement between the two parties. Meanwhile, the dowry is also a mandatory requirement and is always carried out in the marriage of the people in the Bone Regency. Therefore, the dowry and *dui menre* in the marriage of the Bone community follow tradition and sharia.

## Conclusion

Dowry and *dui menre* are mandatory gifts from the prospective husband to his prospective wife. *Dui menre* is a tradition that has been carried out for generations in the Bone regency. The *dui menre* follow the sharia as a form of respect and assistance to the prospective wife in the implementation of marriage. Meanwhile, the dowry is always carried out because Islamic law has become part of the living law for the people of the Bone regency. In the end, tradition and sharia synergize and become a living law in society.

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